

## **REMARKS/ARGUMENTS**

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

Claims 1-20 are pending in the present application. With this amendment, claims 3, 8-9, 13, and 18-19 have been canceled; claims 1-2, 4-7, 10-12, and 14-17 have been amended; and claims 21-23 have been added. Independent claim 20 has not been amended. Reconsideration of the claims is respectfully requested.

### **I. Objection to the Drawings**

The Examiner objected to the drawings under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. The Examiner stated the comparison and shifting the bit mask was not shown in the drawings. Applicants have canceled claims 8-9 and 18-19. The pending claims do not describe comparing or shifting a bit mask. Therefore, this objection has been overcome and should be withdrawn.

### **II. Objections to the Specification**

The Examiner objected to the disclosure because it contains an embedded hyperlink and/or other form of browser-executable code (page 11, line 17). Applicants have amended the specification to cancel this reference. Therefore, this objection has been overcome and should be withdrawn.

The Examiner stated that the use of the trademarks Microsoft and Windows (page 9, lines 7 and 8) has been noted in this application, which should be capitalized wherever it appears and be accompanied by the generic terminology. Applicants have amended the specification accordingly. Therefore, this objection has been overcome and should be withdrawn.

The Examiner objected to the disclosure because of an informality stating that the U.S. Patent Application stated on page 11, line 19 has been allowed as a patent, which should be reflected in the specification. Applicants have amended the specification to include this information. Therefore, this objection has been overcome and should be withdrawn.

### **III. 35 U.S.C. § 102, Anticipation**

The Examiner has rejected claims 1, 3, 5, 7, 11, 13 and 17 under 35 U.S.C. § 102(e) as being anticipated by *Zimmers et al.*, Alert Notification System, U.S. Patent No. 6,816,878, dated November 9,

2004 (hereinafter referred to as “*Zimmers*”). This rejection, as it might be applied to the claims amended, is respectfully traversed.

The Examiner states:

8. In regards to claims 1 '878 discloses, a method, in a data processing system, of outputting a communication from a single source to a plurality of recipient devices, comprising:
  - a. transmitting the communication to the plurality of recipient devices such that the communication is received by the plurality of recipient devices but is output by only a first subset of the plurality of recipient devices, wherein the first subset is less than all of the plurality of recipient devices (**col. 4 line(s) 37-44, teaches that a message is transmitted to a variety of device whereas only a few of the devices will receive the message based off of the criteria of the message.**);
  - b. receiving responses from at least some of the first subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that if the server gets a reply from the messages that were sent out initially.**);
  - c. determining if a predetermined response requirement is met by the responses received from the at least some of the first subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that it compares the reply value with the sent out value, predetermine value.**);
  - d. and outputting the communication on a second subset of the plurality of recipient devices if the predetermined response requirement has not been met by the responses received from the at least some of the first subset of the plurality of recipient devices(**col. 5 line(s) 13-22, teaches that if the predetermine value does not match with the reply value then the message is resent.**).

Office Action, mailed January 26, 2007, pages 4-5. (Emphasis in original.)

Applicants have amended the independent claims to describe a network of data processing systems, where each one of the data processing systems is capable of transmitting alert messages to any other one of the data processing systems. *Zimmers* does not teach this feature.

*Zimmers* teaches an alert notification system that sends an alert, such as a weather alert, to a subscriber via a telephone. If no one answers the telephone, the alert notification system resends the alert until either someone answers the telephone or the emergency that caused the alert to be sent expires. In *Zimmers*, the telephones of the subscribers are not capable of transmitting an alert to the alert notification system. Furthermore, the telephones of the subscribers are not capable of transmitting an alert to other subscribers' telephones. Because *Zimmers* does not teach a network of data processing systems, where each data processing system is capable of transmitting alert messages to any other data processing system, *Zimmers* does not anticipate Applicants' claims.

Applicants have also amended the claims to describe transmitting an alert message, which requests a reply, from a source data processing system. *Zimmers* does not teach this feature. *Zimmers* teaches an alert. The alert merely plays a pre-recorded message. The pre-recorded message does not request a reply.

Furthermore, the telephone call that is made in *Zimmers* does not request a reply. The only thing that is required by *Zimmers* is that the telephone call be answered. Answering the telephone is not a reply. The alert notification system merely waits until its alert, i.e. the telephone call, is received. A receipt of the alert, i.e. answering the telephone call, is not a reply.

Applicants also claim the source data processing system receiving reply messages transmitted from at least some of the first subset of the plurality of recipient ones of the data processing systems in response to a receipt of the alert message. Therefore, according to Applicants' claims, reply messages are transmitted from at least some of the recipient data processing systems. These reply messages are transmitted in response to a receipt of the alert message.

*Zimmers* does not teach reply messages transmitted from a recipient data processing system. When someone answers the telephone call, nothing is transmitted from the recipient of the telephone call. The person answering the phone can merely listen to the pre-recorded message. Even if the person were to speak, the reply message spoken by the person would not be received by the alert notification system. The alert notification system is configured to merely deliver the pre-recorded message, and is not configured to receive a spoken reply.

Applicants' claims now recite: determining, by the source one of the data processing system, if a predetermined number of reply messages have been received from the at least some of the first subset of the plurality of recipient ones of the data processing systems. Regarding Applicants' original claim 1, the Examiner stated: "determining if a predetermined response requirement is met by the responses received from the at least some of the first subset of the plurality of recipient devices (col. 5 line(s) 13-22, teaches that it compares the reply value with the sent out value, predetermine value.)" Applicants' submit that *Zimmers* does not teach the features of the amended claims.

*Zimmers* teaches calling a subscriber to alert the subscriber to a particular emergency situation. If the subscriber's telephone is answered, a pre-recorded message is played that includes emergency information. Once the pre-recorded message is played, the alert notification system hangs up, and the process ends. If no one answers the subscriber's telephone, the alert notification system continues to call. The alert notification system continues to call until either the emergency has passed or the telephone is answered. *Zimmers*, column 21, lines 47-53.

Nothing in *Zimmers* teaches a predetermined number of reply messages. Therefore, *Zimmers* does not teach determining if a predetermined number of reply messages has been received.

Applicants' claims describe in response to determining that the predetermined number of reply message have not been received, retransmitting the alert message to the plurality of recipient ones of the data processing systems, the retransmitted alert message being received by the plurality of recipient ones of the data processing systems. *Zimmers* does not teach this feature.

*Zimmers* teaches continuing to attempt to complete the telephone call until either the telephone call is answered or the emergency expires. Neither condition, i.e. answering the call or the emergency expiring, has anything to do with a number of replies.

For the reasons given above, *Zimmers* does not anticipate Applicants' claims. Therefore, the rejection of claims 1, 3, 5, 7, 11, 13 and 17 under 35 U.S.C. § 102(e) has been overcome.

#### **IV. 35 U.S.C. § 103, Obviousness**

##### **IV.A. Claims 2, 4, 12 and 14 over *Horvitz***

The Examiner has rejected claims 2, 4, 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Zimmers* as applied to claims 1, 3, 11 and 13 above, and further in view of *Horvitz et al.*, Technique Which Utilizes a Probabilistic Classifier to Detect "Junk" e-Mail by Automatically Updating a Training and re-Training the Classifier Based on the Updated Training Set, U.S. Patent No. 6,161,130, dated December 12, 2000 (hereinafter referred to as "*Horvitz*"). This rejection, as it might be applied to the claims as amended, is respectfully traversed.

Applicants' amended claims 2 and 12 describe determining, by each of the plurality of recipient ones of the data processing systems, whether to output the alert message based on the probability assigned to the alert message.

The Examiner states:

17. In regards to Claims 2 and 12, the method and system taught by '878 lacked the steps of assigning a probability to the communication, and wherein each of the plurality of recipient devices determines whether to output the communication based on the probability assigned to the communication.

18. In the same field of endeavor '1 30 teach that the message is assigned a probability to filter whether the message is outputted (**col. 5 line(s) 8-1 5**).

19. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices with '1 30 teaching as discussed above to serve as a filtering means because it keeps the users from having to read useless or non-relevant messages. Therefore keeping the end user more efficient when going through messages.

20. In regards to Claims 4 and 14, the method and system taught by '878 lacked the steps wherein a communication with a different probability than the probability that was assigned to the communication.

21. In the same field of endeavor '130 teach that the each message is assigned a unique probability to filter whether the message is outputted (col. 13 line(s) 5-8).

22. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices, with '130 teaching as discussed above to serve as a filtering means because it keeps the users from having to read useless or non-relevant messages. Therefore keeping the end user more efficient when going through messages.

Office Action dated January 26, 2007, pages 10-12. (Emphasis in original.)

*Zimmers* does not teach the features of Applicants' claims for the reasons given above.

*Horvitz* also does not teach the features of Applicants' claims. *Horvitz* teaches using a probabilistic classifier that is trained on prior content classifications to discriminate email content. Email messages are then classified as either spam or legitimate mail.

*Horvitz* does not teach determining, by the source one of the data processing systems, if a predetermined number of reply messages has been received from the at least some of the first subset of the plurality of recipient ones of the data processing systems; in response to determining that the predetermined number of reply messages has not been received, retransmitting the alert message to the plurality of recipient ones of the data processing systems, the retransmitted alert message being received by the plurality of recipient ones of the data processing systems; and outputting the retransmitted alert message by a second subset of the plurality of recipient ones of the data processing systems.

In addition, *Zimmers* teaches away from a combination with *Horvitz*. The purpose of *Zimmers* is to make sure every affected subscriber is notified of the emergency. For example, *Zimmers* chooses to notify subscribers using a telephone because a telephone is always turned on. According to *Zimmers*, a telephone is the most likely device that will reach a subscriber to notify the subscriber of the emergency. *Zimmers* attempts to reach every subscriber to notify the subscribers of the emergency.

*Horvitz* is used by the Examiner to teach assigning a probability to filter whether the message is outputted, referring to column 5, lines 8-15. Applicants' respectfully disagree that *Zimmers* and *Horvitz* can be combined to teach the features of these claims.

*Horvitz* teaches sorting messages in a spam folder by increasing probability that the messages are spam. In this manner, the user needs to check only the top few messages are indeed spam before deleting all the messages in the spam folder. Thus, the user does not need to read the remaining messages before deleting them.

If *Zimmers* and *Horvitz* are combined, some of the subscribers of the telephone calls would use a filter to determine whether to receive the recorded emergency information, such that some subscribers would not receive the emergency information. Such a situation, where some subscribers would not

receive the emergency information, would defeat the purpose of *Zimmers*, which is to notify all affected subscribers of the emergency. Therefore, *Zimmers* and *Horvitz* are not properly combined.

Therefore, the combination of *Zimmers* and *Horvitz* does not render Applicants' claims obvious.

Claims 4 and 14 depend from claims 2 and 12, respectively, and are patentable for the reasons given above.

Therefore, the rejection of claims 2, 4, 12 and 14 under 35 U.S.C. § 103(a) has been overcome.

Applicants have added claims 21-23. Claim 21 recites: The method according to claim 2, further comprising the probability being determined using a random number generator. Claim 22 recites: The method according to claim 2, further comprising the probability being based on a total number of the plurality of recipient ones of the data processing systems. Claim 23 recites: The method according to claim 2, further comprising increasing the probability when the alert message is retransmitted.

Neither *Zimmers* nor *Horvitz* teaches these features. Therefore, the combination of *Zimmers* and *Horvitz* does not teach these features.

#### **IV.B. Claims 6 and 16 over *Zimmers* in view of SkillTap**

The Examiner has rejected claims 6 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Zimmers* in view of <http://community.ngi.ibm.com/skilltap.htm> (hereinafter referred to as SkillTap), published April 2, 2003. This rejection, as it might be applied to the claims as amended, is respectfully traversed.

The Examiner states:

- 24. '878 does not teach wherein the communication is one of a PollCast and a SkillTap message.
- 25. In the same field of endeavor SkillTap teach the communication is one of a PollCast and a SkillTap message to send messages to a plurality of devices.
- 26. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices, with SkillTap teaching as discussed above to serve as a means of communication to a plurality of devices which are applications of messaging apparatuses.

Office Action dated January 26, 2007, page 12.

The Examiner relies on *SkillTap* to cure the deficiencies of *Zimmers*. *Zimmers* does not teach the features of Applicants' claims for the reasons given above.

*SkillTap* teaches broadcasting a request to responders. *SkillTap* also teaches a responder checking the number of responses to determine the responder's need to respond.

*SkillTap* does not teach, however, outputting the alert message by only a first subset of the plurality of recipient ones of the data processing systems, the first subset being fewer than all of the

plurality of recipient ones of the data processing systems; receiving, by the source one of the data processing systems, reply messages transmitted from at least some of the first subset of the plurality of recipient ones of the data processing systems in response to a receipt of the alert message; determining, by the source one of the data processing systems, if a predetermined number of reply messages has been received from the at least some of the first subset of the plurality of recipient ones of the data processing systems; in response to determining that the predetermined number of reply messages has not been received, retransmitting the alert message to the plurality of recipient ones of the data processing systems, the retransmitted alert message being received by the plurality of recipient ones of the data processing systems; and outputting the retransmitted alert message by a second subset of the plurality of recipient ones of the data processing systems.

Therefore, the combination of *Zimmers* and *SkillTap* does not render Applicants' claims obvious. Therefore, the rejection of claims 6 and 16 under 35 U.S.C. § 103(a) has been overcome.

#### **IV.C. Claims 8 and 18 over *Zimmers* in view of *Mann***

The Examiner has rejected claims 8 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Zimmers* as applied to claims 1 and 11 above, and further in view of *Mann et al., Method and Apparatus for Dynamic Network Configuration of an Alert-Based Client*, Patent No. 6,922,722, dated July 26, 2005 (hereinafter referred to as "*Mann*"). Applicants have canceled claims 8 and 18. Therefore, this rejection should be withdrawn.

#### **IV.D. Claims 9 and 19 over *Zimmers*, further in view of *Mann* and further in view of *Ridenour***

The Examiner has rejected claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Zimmers* in view of *Mann*, as applied to claims 1, 8, 11 and 18 above, and further in view of *Ridenour, Apparatus and Method for a Pseudo-Random Number Generator for High Precision Numbers*, Patent No. 5,541,996, dated July 30, 1996 (hereinafter referred to as "*Ridenour*"). Applicants have canceled claims 9 and 19. Therefore, this rejection should be withdrawn.

#### **IV.E. Claim 10 over *Zimmers*, in view of *Horvitz* and further in view of *Williams***

The Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Zimmers* in view of *Horvitz*, as applied to claims 1 and 2 above, and further in view of *Williams, Computer with Probability Means to Transfer Pages From Large Memory to Fast Memory*, Patent No. 3,701,107, dated October 24, 1972 (hereinafter referred to as "*Williams*"). This rejection, as it might be applied to the claims as amended, is respectfully traversed.

The Examiner states:

39. In regards to claim 10 '878 nor '130 teaches each of the plurality of recipient devices determines whether to output the communication based on the probability by generating a randomized value and comparing the randomized, value to the probability to determine whether to output the communication.

40. In the same field of endeavor of a method of distributing messages to a plurality of client devices in a network, '107 teaches generating a random value and comparing this random value to a probability value to assure the transfer of the information (col. 2-3 line(s) 64-67, 1-5). Likewise, '107 teach out putting a message based on the comparison of the random value and probability value to transfer information from one location to another location (col. 3 line(s) 13-26).

41. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '130 a method of classifying incoming messages with '107 teaching as discussed above to allow for the information to be transfer from one location to another location because it ensures that the information is transferred to proper locations.

Office Action dated January 26, 2007, pages 15-16. (Emphasis in original.)

As discussed above, *Zimmers* does not teach the features of Applicants' claims.

Furthermore, as discussed above, *Zimmers* and *Horvitz* are not properly combined. *Zimmers* teaches away from a combination with *Horvitz*. The purpose of *Zimmers* is to make sure every affected subscriber is notified of the emergency. *Zimmers* attempts to reach every subscriber to notify the subscribers of the emergency. *Horvitz* is used by the Examiner to teach assigning a probability to filter whether the message is outputted. *Horvitz* teaches sorting messages in a spam folder by increasing probability that the messages are spam. In this manner, the user needs to check only the top few messages are indeed spam before deleting all the messages in the spam folder. Thus, the user does not need to read the remaining messages before deleting them.

If *Zimmers* and *Horvitz* are combined, some of the subscribers of the telephone calls would use a filter to determine whether to receive the recorded emergency information, such that some subscribers would not receive the emergency information. Such a situation, where some subscribers would not receive the emergency information, would defeat the purpose of *Zimmers*, which is to notify all affected subscribers of the emergency. Therefore, *Zimmers* and *Horvitz* are not properly combined.

Therefore, the combination of *Zimmers*, *Horvitz*, and *Williams* does not render Applicants' claim 10 obvious. Therefore, the rejection of claim 10 under 35 U.S.C. § 103(a) has been overcome.



**IV.F. Claim 20 over *Zimmers*, in view of *Horvitz* and further in view of *Williams***

The Examiner has rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Zimmers* in view of *Horvitz*, and further in view of *Williams*. This rejection is respectfully traversed.

The Examiner states:

43. In regards to claim 20, '878 teaches a method of distributing messages to a plurality of client devices in a network (**Fig. 1 (as shown above on page. 8), displays a method of distributing messages to a plurality of client devices in a network)**), comprising:
- s. receiving a message for broadcast to a plurality of client devices (**Fig. 1, col. 6 line(s) 41 -64**)
  - t. and transmitting the message to the plurality of client devices (**col. 4 line(s) 37-44, teaches that a message is transmitted to a plurality of device.**).
44. '878 does not teach assigning a probability value to the message, at each client device, generate a randomized value, comparing the randomized value of a client device to the probability value of the message, and outputting the message based on the comparison of randomized value and the probability value.
45. In the same field of endeavor of a method of distributing messages to a plurality of client devices in a network, '130 teaches that the message is assigned a probability to filter whether the message is outputted (**col. 5 line(s) 8-15**).
46. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices with '130 teaching as discussed above to serve as a filtering means because it keeps the users from having to read useless or non-relevant messages. Therefore keeping the end user more efficient when going through messages.
47. '130 does not teach at each client device, generating a randomized value, and comparing the randomized value of a client device to the probability value of the message, and outputting the message based on the comparison of randomized value and the probability value.
48. In the same field of endeavor of a method of distributing messages to a plurality of client devices in a network, '107 teaches generating a random value and comparing this random value to a probability value to assure the transfer of the information (**col. 2-3 line(s) 64-67, 1-5**). Likewise, '107 teach out putting a message based on the comparison of the random value and probability value to transfer information from one location to another location (**col. 3 line(s) 13-26**).
49. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '130 a method of classifying incoming messages with '107 teaching as discussed above to allow for the information to be transfer from one location to another location because it ensures that the information is transferred to proper locations.

Office Action dated January 26, 2007, pages 16-18. (Emphasis in original.)

Applicants' claim 20 recites: A method of distributing messages to a plurality of client devices in a network, comprising: receiving a message for broadcast to a plurality of client devices; assigning a

probability value to the message; transmitting the message to the plurality of client devices; at each client device, generating a randomized value; comparing the randomized value of a client device to the probability value of the message; and outputting the message based on the comparison of randomized value and the probability value.

As discussed above, the purpose of *Zimmers* is to ensure that the subscribers in the affected area will receive notification of an emergency. Combining *Horvitz* with *Zimmers* would defeat the purpose of *Zimmers* because some of the affected subscribers would not receive the notification of the emergency. Therefore, *Zimmers* teaches away from a combination with *Horvitz*. Therefore, the combination of *Zimmers*, *Horvitz*, and *Williams* does not render Applicants' claim 20 obvious.

#### V. Conclusion

It is respectfully urged that the subject application is patentable over the cited prior art and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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